REMARKS

The Office Action dated October 4, 2004 has been read and carefully considered and the present amendment submitted to clarify the claim language to better define the invention.

In that Office Action, claims 1-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Falk *et al*, U.S. Patent 5,474,517 in view of Hoffman *et al*, U.S. Patent 5,703,342.

Accordingly, the independent claims, that is, claims 1 and 8, have been amended herein to better define the features of the present invention in order to distinguish the present invention over the disclosures of the cited references.

As now claimed, therefore, the independent claims recite that the values of voltage and current actually delivered to the heater element are sensed, and those sensed values, and only those sensed values are used to directly determine the power then being supplied to the heater element. With the availability of such information, the user can set or input a power value that is desired to be delivered to the heater element and the microprocessor can directly establish that level of power to the heater element without the need for further data.

As such, the establishing of the power to the heater is based only, or entirely, on the sensed values and not upon any further extraneous data that is required in determining and setting the power. In effect, the present invention can operate to provide the desired power delivered to the heater element without regard to the parameters of the heater element itself, i.e. resistance and therefore the present system can accurately operate in the absence of empirical data or other data that is characteristic of the heater element itself. Accordingly, the present inventive system is basically independent of the physical characteristics of the individual heating element and the manufacturer of the apparatus can install the heater element, provided it is within the specifications determined by the manufacturer, and not be concerned with later changes in resistance as the heater temperature changes or other such factors.

The aforementioned heater control system is therefore submitted as distinguishing the present invention over the combination of Falk *et al* taken in view of the Hoffman *et al* reference. Falk *et al*, admittedly is a radiant infant heater but has no disclosure of a heater control system that is anything like the present inventive system. True, the Hoffman *et al* does show a heating system that measures both voltage and current to the heater, however, that is the only similarity since the control system of Hoffman *et al* is a rather complicated system that is based on a desired heating curve and relies on certain values that are determined for each heater and those values are stored in an electronic look up table to be used each time a value of power to the heater is determined.

The characteristics of the Hoffman *et al* system therefore must have the look up values for the dynamic heat capacity C_w and the dissipated power N_v, in order to calculate the power and in determining the temperature values and the curve steepness values and those values are not sensed by the system but are either determined initially for the system being used and entering that data into the electronic look up table, or determined by linear interpolations; neither of which steps are utilized, needed or of any value with Applicant's direct determination of the desired heater element power by the use of only sensed values of voltage and current and directly using those sensed values.

A major difference is in the need for extraneous data with Hoffman *et al* and which actually magnifies the differences in the Hoffman *et al* system and their objectives since Hoffman *et al* is following a curve with its heater control whereas the Applicant is determining the power applied to the heating element and directly using that power calculation in order to conform to a desired input power value, either of the actual power desired or based upon a percentage of the power capacity of the heater element. In either event, with Applicant's control system, the power desired is actually imputed; the power to the heating element directly sensed, and only those sensed values are used to calculate the power applied to the heater and then to establish the desired power as inputted by the user.

The system of Hoffman *et al* does not appear to provide any means by which the user can directly input the power that is desired to be supplied to the heater element. As now amended, therefore, both of the independent claims include a recitation that a desired power is imputed by the user and that use of an inputted power is important in the use of an infant care apparatus since the user can simply input the particular power that is desired in 0rder to provide the necessary heat to the infant. The is no such input in the Hoffman *et al* system and it would seem inconsistent, and perhaps inconceivable, to have a means to input a desired power by a user in the Hoffman *et al* system where the heating system is following a curve, broken into segments, that establishes the heater power by that curve, including its slope, and not an inputted power as is needed in the operation of an infant care apparatus.

It is, therefore, submitted that the claims in the present application, as now amended, are in allowable form and an allowance of the present application is respectfully solicited.

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